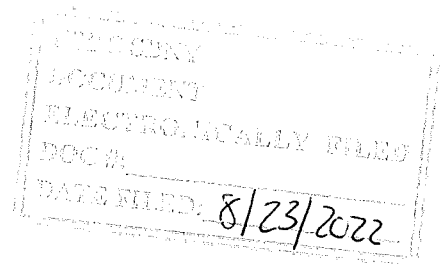


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
WINDWARD BORA LLC,
Plaintiff,

v.

JOSHUA LUNGEN and STERLING
NATIONAL BANK, formerly known as
Provident Bank,
Defendant.
-----X**ORDER**

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On August 23, 2022, the parties submitted a revised proposed notice, consent, and reference of a civil action to a magistrate judge form with scanned actual signatures from counsel for plaintiff and counsel for defendant Joshua Lungen. The document includes a notation that defendant Sterling National Bank is in “default per Clerk’s Certificate of Default [Dkt. 17].” (Doc. #19).

The Court appreciates the parties’ efforts to agree to refer this action for all purposes to the assigned magistrate judge. However, notwithstanding that plaintiff has obtained a certificate of default, Sterling National Bank has not been dismissed and remains a party in this case. A magistrate judge may exercise authority over all proceedings in this action only if all parties voluntarily consent. See 28 U.S.C. § 636(c)(1) (magistrate judge may exercise jurisdiction over proceedings “[u]pon the consent of the parties”); Fed. R. Civ. P. 73(a) (“a magistrate judge may, if all parties consent, conduct a civil action or proceeding”) (emphasis added).

Therefore, the parties’ request to proceed before the assigned magistrate judge for all purposes is DENIED WITHOUT PREJUDICE to refiling with the consent of defendant Sterling National Bank (unless Sterling National Bank is dismissed from the case or is otherwise no longer a party in this case). This matter will be discussed at the initial conference scheduled before Judge Briccetti on August 29, 2022, a 10:00 a.m., to be held in person at the White Plains Courthouse, Courtroom 620.

In addition, the Court’s July 20, 2022, Notice directed the parties to submit a proposed Civil Case Discovery Plan and Scheduling Order by no later than August 22, 2022. (Doc. #10). The parties have not done so. Accordingly, the Court sua sponte extends until August 25, 2022, the parties’ deadline to do so.

Dated: August 23, 2022
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge